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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,019	09/11/2002	Roger Jette	761-17CON	7554

31554 7590 04/16/2004

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EXAMINER

VARNER, STEVE M

ART UNIT PAPER NUMBER

3635

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,019

Applicant(s)

JETTE, ROGER

Examiner

Steve M Varner

Art Unit

3635

mw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 22 is/are rejected.
- 7) ☒ Claim(s) 17-21 and 23-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: antecedent basis must be given for intersecting elements, vertical element portions.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the support member, intersecting elements and vertical element portions must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-16, 22, are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons.

Regarding claim 1, 6, 11, Simmons shows a plurality of support members (40) and a plurality of cable support baskets (Fig. 6).

Regarding claims 2, 7, Simmons shows the cable support basket includes a plurality of intersecting elements (Fig. 6) secured together in a substantially planar arrangement (Fig. 6).

Regarding claims 3, 8, Simmons shows the cable support basket further includes vertical element portions (ends of 42, 46) formed along at least one side (Fig. 6).

Regarding claims 4, 9, Simmons shows wire stock (Fig. 6).

Regarding claims 5, 10, Simmons shows a cable support basket configured and dimensioned such that upon installation in conjunction with the raised floor system, the cable support basket is disposed vertically beneath a corresponding floor panel of the raised floor system.

Regarding claims 12, 13, Simmons shows a pair of parallel spaced apart stringer elements (60) (Fig. 1).

Regarding claim 14, Simmons shows a plurality of transverse support sections (40) extending between the pair of stringer elements (60) (Fig. 2, 6, 9).

Regarding claim 15, Simmons shows open architecture (Fig. 1).

Regarding claim 16, Simmons shows cable support baskets (Fig. 1).

Regarding claim 22, Simmons shows one cable support basket (Fig. 6) including a pair of stringer elements (60) and a plurality of transverse support members (40) extending between the pair of stringer elements (60) and a plurality of pedestal adapters (50) (Fig. 1, 2, 6).

Claim Objections

Claims 17-21, 23-27, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-16, 22, have been considered but are moot in view of the new ground(s) of rejection.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Jette '704 shows a cable support apparatus for a raised floor system. Greenblatt shows a cable support apparatus. Joo shows a tennis ball container. Jette '912 shows a cable support apparatus. Jette '323 shows a flexible cable management system. Jette '870 shows a raised floor system and cable support apparatus. Jette '493 shows a raised floor system and support apparatus. Ohms et al. shows an interlocking cable support tray system. Durin et al. '434 shows a connecting splice for cable through sections and resulting cable through sections. Durin et al. '418 shows a coupling for assembling cable tray unit sections and cable tray unit sections obtained. Durin shows supporting member for lattice structures.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve M Varner whose telephone number is 703 308-1894. The examiner can normally be reached on M-F 7:30-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D Friedman can be reached on 703 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305-7687 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-1113.

SV

April 5, 2004

A handwritten signature in black ink, consisting of a stylized 'S' followed by a large, sweeping 'V'.A handwritten signature in black ink, consisting of a stylized 'C' followed by a large, sweeping 'F'.

Carl D. Friedman

Supervisory Patent Examiner

Group 3600